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July 10, 2024

BY ECF

The Honorable Mary Kay Vyskocil
U.S. District Court, S.D.N.Y.
500 Pearl Street, Room 2230
New York, New York 10007

**Re: 20230930-DK-Butterfly-1, Inc. v. HBC Investments LLC et al.,
No. 24-cv-3370 (MKV) (SN) (S.D.N.Y. filed May 2, 2024)
Plaintiff's Response per Order of July 9, 2024**

Dear Judge Vyskocil:

I write on behalf of Plaintiff 20230930-DK-Butterfly-1, Inc., f/k/a Bed Bath & Beyond Inc., per the Court's Scheduling Order of July 9, 2024. Dkt. 21. The Scheduling Order required Plaintiff, on or before July 10, 2024, to notify the Court whether Plaintiff intends to amend its complaint. *Id.*

Based on the summary of Defendants' arguments set forth in their pre-motion letter of June 3, 2024, *see* Dkt. 16, Plaintiff does not intend to amend its complaint but rather to oppose the motion according to the briefing schedule entered by the Court yesterday.

Respectfully submitted,

/s/ James A. Hunter

Copies by ECF: All Counsel of Record